IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3557 of 2007()

CRIME NO. 201/07 OF SHORNUR POLICE STATION

APPLICANTS/ACCUSED NOS.6 & 7

---

1. BASHEER,
S/O.UMMER, MANAMULLI VEEDU, MUNDAKKOTTU KURISSI.

2. MUHAMMED MUSTHAFFA,
S/O.KUNJALAVI HAJI, NJAZHUKAL VEEDU,
MUNDAKKOTTU KURISSI.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT- STATE

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/06/2007, A/W. BA 3568 & 3569/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.Nos. 3557, 3568 & 3569 of 2007

- -

Dated this the 18th day of June, 2007

O R D E R

The petitioners are accused 1 to 4 and 6 to 8 in a prosecution, inter alia, under Section 302 r/w. 149 I.P.C. The prosecution alleges that on 6.5.07 at 8 p.m. the petitioners were members of an unlawful assembly of persons, who, armed with sticks and stones, trespassed into the house of the deceased and attacked the deceased causing fatal injuries on him. The members of the family of the deceased had also allegedly suffered injuries. Investigation is in progress. The petitioners were arrested on various dates between 10.5.07 and 18.5.2007. Family disputes between the rival contestants is the alleged motive.

2. The learned counsel for the petitioners submits that the incident even allegedly is the off shoot of a family dispute. There are other cases between the two sides, including the allegation that the sister of one of the accused had been raped, which incident allegedly took place two years back. Investigation is almost complete. In

these circumstances a lenient view may be taken and the petitioners may be enlarged on bail, it is prayed.

3. The learned Prosecutor opposes the application. He submits that the investigation is not complete. The disputes between the rival contestants disturb the law and order situation in the locality. It is too early to enlarge the petitioners on bail at this stage.

4. I find merit in the opposition by the learned Prosecutor. Considering the nature of the allegations, the background, the stage of investigation etc. I am persuaded to agree that the petitioners are not entitled to be released on bail now.

5. These applications are in these circumstance dismissed. But I may hasten to observe that the petitioners shall be at liberty to move the courts - this Court or the Sessions Court - for bail again at a later stage of the investigation, not at any rate, prior to 2.7.2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation and place all relevant facts before this court.

(R. BASANT)
Judge

tm